

UNITED STATES DISTRICT COURT

Eastern District of Arkansas

UNITED STATES OF AMERICA
V.

TORY EDWARD HOLMES

Case Number: 4:06-CR-00088-02-JMM

USM Number: 24064-009

Date of Original Judgment: January 19, 2011
(Or Date of Last Amended Judgment)

Leslie Borgognoni
Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED.

☒ GRANTED and the defendant's previously imposed sentence of imprisonment of 72 months is reduced to 51 months, which is TIME SERVED on November 1, 2011.

I. COURT DETERMINATION OF GUIDELINE RANGE

Previous Offense Level(Before Departure/Variance/Rule 35): 25

Amended Offense Level: 21

Criminal History Category: V

Criminal History Category: V

Previous Guideline Range: 100 to 125 months

Amended Guideline Range: 70 to 87 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (specify) _____.

III. FURTHER EXPLANATION (e.g., recommendations to the Bureau of Prisons) (if necessary)

The Order is effective immediately on November 1, 2011, if Congress does not override the United Sentencing Commission's determination that the new guidelines are retroactive. If Congress determines that the amendments are not retroactive, this Order will be void and vacated.

Except as provided above, all provisions of the judgment dated May 7, 2007 will remain in effect.

IT IS SO ORDERED.

Order Date: October 26, 2011


United States District Judge

Effective Date (if delayed): November 1, 2011